

# The Transfer of Rights Will Automatically Occur on Your Child's 18th Birthday (Age of Majority)

## Prepare your child to:

- Understand his/her rights
- Understand his/her choices and to make informed decisions
- Participate in school IEP and other meetings where planning and decision making occurs involving his/her educational experiences or future
- Recognize his/her strengths and weaknesses
- Understand his/her disability
- Become independent
- Believe in him/her self and develop determination skills

## Guardianship

One reason a statement of transfer of rights is given at least one year before a student with a disability turns 18 is because it alerts parents and guardians to consider whether or not their child is capable of making informed decisions at the age of majority. In some cases, parents or guardians may determine the necessity to have their child declared legally incompetent and placed under guardianship so that the a court assigned guardian can make the decisions for the student. Guardianship requires court intervention. It is an expensive and lengthy process.

## Delegation of Right to Make Educational Decisions

A student with a disability between the age of 18 and 22 who has **not** been declared legally incompetent and has the ability to give informed consent may execute a Delegation of Right to Make Educational Decisions. The Delegation of Right allows the student to appoint his/her parent or agent to make educational decisions on his/her behalf. The student has the right to terminate the agreement at anytime and resume his/her right to make decisions. See the Governor's Council on Developmental Disabilities 'Legal Options Manual' at [www.azgcdd.org/Legal%20Options%20Manual.pdf](http://www.azgcdd.org/Legal%20Options%20Manual.pdf).

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## Contents adapted from:

Age of Majority: Preparing Your Child for Making Good Choices

[www.ncset.org/publications](http://www.ncset.org/publications)

[www.ade.az.gov/ess/transitionservices](http://www.ade.az.gov/ess/transitionservices)

Arizona Education Laws and Rules Annotated, 2006-2007 Edition, LexisNexis

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The contents of this publication were developed with funds allocated by the U.S. Department of Education under Individuals with Disabilities Education Improvement Act Amendments of 2004.

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## Prepare Your Child for the Future



## Transfer of Rights at Age of Majority

October 2007

## Prepare Your Child

Parents and guardians should begin preparing children for making choices and their own decisions long before they reach the age of majority. For many parents of children with disabilities, this step may be difficult because, as parents, you spent years advocating and speaking on behalf of your children. As a result, it is not easy to step back and begin to allow your children to speak on behalf of themselves. However, stepping back and recognizing the need for this stage in the lives of children is essential. In order to prepare students with disabilities for their transfer of rights, it is necessary for parents to begin to step back, listen, and involve students in the decision making processes early.

### TIPS:

- ⇒ Involve your child in IEP and transition planning early and make sure his/her voice is heard
- ⇒ Discuss important decisions with your child ahead of meetings so that he/she is informed and prepared to participate
- ⇒ Encourage your child to develop good relationships with school personnel and other agency and/or service providers
- ⇒ Make sure educators and other agency and/or service providers listen to your child and avoid pressuring him/her
- ⇒ Include your child in all decisions that impact his/her life, in and out of school

## Transfer of Rights at Age of Majority

According to IDEA, beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority.

Under Arizona State law, the age of majority is 18. In order to prepare students and parents for the transfer of rights, the law above requires schools to inform all children with disabilities on or before their 17th birthday that certain rights will automatically transfer to them.

Parents and guardians should realize this is an exciting time for many students, and it is important that students approaching the age of majority be well prepared to begin assuming new responsibilities as young informed adults.



**The age of majority in the State of Arizona is 18. Rights that transfer to an 18 year old student include:**



Student may provide consent for reevaluation and/or agree to a change in placement

Student receives notices of IEP meetings and attends



Student may request mediation or request a due process hearing



Student may register to vote



Student may get married



Student may participate as a jury member



Student may consent to medical treatment



Student may obtain a credit card



Student may apply for a loan

